

**LYNCHBURG CITY COUNCIL  
Agenda Item Summary**

MEETING DATE: **September 14, 2004**

AGENDA ITEM NO.: 20B

CONSENT:

REGULAR: **X**

CLOSED SESSION:  
(Confidential)

ACTION: **X**

INFORMATION:

**ITEM TITLE: Rezoning – 2400 Block of Langhorne Road, R-4, Multi-Family Residential to B-3, Community Business District (Conditional).**

RECOMMENDATION: Denial of the requested rezoning.

SUMMARY: Laird Lynchburg, LLC is petitioning to rezone approximately 2.2 acres from R-4, Multi-Family Residential District to B-3, Community Business District to allow the construction of a 14,500 square foot pharmacy with 65 parking spaces. The Planning Commission recommended denial of the rezoning petition because:

- Petition does not agree with any aspect of the *Comprehensive Plan*.
- Petition proposes an entrance on Murrell Road that creates the potential for unsafe traffic conditions.
- Petition would require the demolition of sound housing stock and relocation of existing residents.

PRIOR ACTION(S):

June 9, 2004: Planning Division recommended denial of the rezoning petition.  
Planning Commission postponed action on the rezoning petition.

July 28, 2004: Planning Commission recommended denial (7-0) of the rezoning petition which had the following voluntarily submitted proffers:

1. The building, parking and landscaping will be in substantial compliance with the site plan entitled, Preliminary Site Layout for Rezoning for Walgreens by Architectural Services Group, Inc. dated 5/25/04.
2. Exterior lights will be glare shielded on the residential side.
3. The building exterior will be brick and EIFS. (a form of stucco or dryvit)
4. The retaining wall will be segmented block.
5. There will be a four foot high colored chain link fence on the retaining wall at the rear of the property.
6. The main sign is limited to twenty feet (20') in height, and will be bricked on the bottom (ground level).

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 455-3902  
Tom Martin / 455-3909

ATTACHMENT(S):

- Ordinance
- PC Report
- PC Minutes
- Site Plan
- Rendering
- TRC Comments
- Speaker sign up sheet

REVIEWED BY: lkp

## ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM R-4, MULTI-FAMILY RESIDENTIAL DISTRICT TO B-3, COMMUNITY BUSINESS DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.\_\_\_\_\_, which section shall read as follows:

Section 35.1-76.\_\_\_\_\_. Change of a certain area from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional).

The area embraced within the following boundaries . . .

Beginning at a ½" rebar (found) in the southwesterly right-of-way line of Langhorne Road; thence with the arc of a curve to the right having a chord bearing and distance of S 05° 39' 56" E 21.87', a radius of 15.00' and an arc length of 24.51' to a ½" rebar (found) in the northwesterly right-of-way line of Murrell Road; thence departing said rebar and continuing coincident with said right-of-way line S 41° 21' 22" W 363.66' to a set rebar and cap stamped "Miller Land Surveying LLC" (hereinafter called "MLS") in said right-of-way line; thence departing said rebar and continuing with a new divisional line the following five calls: N 48° 38' 38" W 146.24' to a "MLS" (set); thence N 43° 43' 03" E 36.28' to a "MLS" (set); thence N 45° 59' 08" W 25.00' to a "MLS" (set); thence N 43° 43' 03" E 28.18' to a "MLS" (set); thence N 46° 11' 58" W 117.93' to a "MLS" (set) in the southeasterly right-of-way line of Carrington Road; thence departing said rebar and continuing coincident with said right-of-way line of N 44° 07' 34" E 258.76' to a ½" rebar (found) in said right-of-way line; thence departing said rebar and continuing with the arc of a curve to the right having a chord bearing and distance of N 78° 35' 53" E 17.07', a radius of 15.00' and an arc length 18.16' to a ½" rebar (found) in the southwesterly right-of-way line of Langhorne Road; thence departing said rebar and continuing coincident with said right-of-way line the following two calls: S 66° 01' 55" E 86.62' to a drill hole in concrete (set); thence S 52° 07' 55" E 165.19' to the beginning containing 94,140 square feet, 2.161 acres more or less.

. . . is hereby changed from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional), subject to conditions setout hereinbelow which were voluntarily proffered in writing by the owner, namely: Schaffer Oglesby and Village Oaks, L.P. to wit:

1. The building, parking and landscaping will be substantial compliance with the site plan entitled Preliminary Site Layout for Rezoning for Walgreens by Architectural Services Group, Inc. dated 5/25/04.
2. Exterior lights will be glare shielded on the residential side.
3. The building exterior will be brick and EIFS. (a form of stucco or dryvit)
4. The retaining wall will be segmented block.
5. There will be a four foot high colored chain link fence on the retaining wall at the rear of the property.
6. The main sign is limited to twenty feet (20') in height, and will be bricked on the bottom (ground level).

And the Director of Community Planning and Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this Chapter to be amended in accordance therewith.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

The Department of Community Planning & Development  
City Hall, Lynchburg, VA 24504 434-455-3900

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** June 9, 2004  
**Re:** **REZONING: 2400 Block of Langhorne Road, R-4, Multi-Family Residential to B-3, Community Business District (Conditional).**

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**I. PETITIONER**

Laird Lynchburg, LLC, 5500 Lonas Drive, Suite 300, Knoxville, TN. 37923.

**Representative:** Ms. Robyn Askew, Laird Lynchburg, LLC, 5500 Lonas Drive, Suite 300, Knoxville, TN 37923.

**II. LOCATION**

The subject property is a tract of approximately 2.2 acres located in the 2400 Block of Langhorne Road between Murrell Road and Carrington Road.

**Property Owner:** Mr. Schaffer Oglesby, Village Oaks, L.P., 1401 Lakeside Drive, Lynchburg, VA 24501.

**III. PURPOSE**

The purpose of the petition is to rezone approximately 2.2 acres in the 2400 Block of Langhorne Road (between Murrell Road and Carrington Road) from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional) to allow the construction of a pharmacy and associated parking.

**IV. SUMMARY**

- Petition disagrees with the Comprehensive Plan which recommends a Medium Density Residential use for the subject property.
- Petition proposes the demolition of seven (7) apartment buildings which would be detrimental to the character of the area.

**The Planning Division recommends denial of the rezoning petition.**

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**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Medium Density Residential Use for the subject property. These areas are characterized by small lot single family detached housing, duplexes or townhouses at densities up to twelve (12) units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type.

The *Comprehensive Plan* also designates the subject property as being in the Plaza/Midtown Mixed Use area. This area was the City's first commercial area outside of the downtown and is planned for redevelopment. This area contains the Plaza Shopping Center, E.C. Glass High School, the City's main library, the City's main bus transfer center, office and residential uses. The goal for this area as stated in the *Comprehensive Plan* is to redevelop the area into an integrated in-town community with a commercial retail core, surrounded by medium to high density housing, professional offices, with a complementing high school and library. The redevelopment is proposed to follow traditional neighborhood development principles and eliminate blight in the Plaza area.

The proposed rezoning of the property from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional) to allow the construction of a pharmacy, is not consistent with any aspect of the Future Land Use Map (FLUM) or the text of the *Comprehensive Plan*. The project as proposed would not further the concept of creating a commercial core for the area as it would not be in close proximity to any other retail use.

The project as proposed would displace the residents of the seven (7) existing apartment buildings proposed for demolition which have four (4) to five (5) units each. Maintaining a variety of sound housing stock, and increasing the number of people that live in the neighborhood will be a key in the redevelopment of the area. Retail follows housing. The demolition of the existing apartment buildings will not further any of the goals or objectives of the *Comprehensive Plan*.

The *Comprehensive Plan* also states that when a rezoning or conditional use permit petition is not in compliance with the plan the petitioner will need to petition for a plan amendment. Although the petitioner was informed of this requirement at the May 18, 2004 Technical Review Committee meeting, they have not chosen to request a plan amendment. The Planning Division does not recommend deviating from the Future Land Use Map, nor would it support a plan amendment for the area.

2. **Zoning.** The subject property was annexed into the City in 1926. The property was zoned for single-family residential uses until 1949, when it was zoned for multi-family uses. The current R-4, Multi-Family Residential District was established in 1978 with the adoption of the current Zoning Ordinance.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
  - The building, parking and landscaping will be substantial compliance with the site plan entitled Preliminary Site Layout for Rezoning for Walgreens by Architectural Services Group, Inc. dated 5/25/04.
  - Exterior lights will be glare shielded on the residential side.
  - The building exterior will be brick and EIFS. (a form of stucco or dryvit)
  - The retaining wall will be segmented block.
  - There will be a four foot high colored chain link fence on the retaining wall at the rear of the property.
  - The main sign is limited to twenty feet (20') in height, and will be bricked on the bottom (ground level).
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
5. **Previous Actions.** The following items in the immediate area have required City Council approval:
  - On August 9, 1983 the City Council approved the CUP petition of Television Development for a TV studio / satellite at 2416 Langhorne Road.
  - On June 11, 1985 the City Council approved the CUP petition of Central VA. Psychiatric Associates, Inc. for a care center, outpatient mental health facility, and school at 2303 Yorktown Avenue.
  - On April 11, 1989 the City Council approved the rezoning petition of William H. Burruss at 2303 Yorktown Avenue from R-4, Multi-Family Residential District to B-1, Limited Business District (Conditional) to allow the construction of an office complex.
  - On February 13, 1990 the City Council approved the rezoning petition of Snyder Hunt Corporation in the 2200 Block of Murrell Road from R-4, Multi-Family Residential District to B-1, Limited Business District (Conditional).
  - On February 13, 1990 the City Council approved the CUP petition of Snyder Hunt Corporation for an adult care facility in the 2200 Block of Murrell Road.
  - On July 13, 1993 the City Council approved the rezoning petition of Elderberry Nursing Home, Inc., at 2303 Yorktown Avenue from R-4, Multi-Family Residential District to B-1, Limited Business District (Conditional).
  - On October 12, 1993 the City Council approved the rezoning petition of Giles, Cox and Associates at 2102 Langhorne Road from R-4, Multi-Family Residential District to B-1, Limited Business District (Conditional).
  - On June 13, 2000 the City Council approved the rezoning petition of Surgery Center of Lynchburg at 2401 Atherholt Road from R-4, Multi-Family Residential District to B-1, Limited Business District (Conditional).
  - On May 14, 2002 the City Council approved the rezoning petition of William H. Burruss, Jr. at the 2400 Block of Atherholt Road from R-4, Multi-Family Residential District to B-1, Limited Business District (Conditional).
6. **Site Description.** The subject property is bounded to the north (across Langhorne Road) by office uses, to the east (across Murrell Road) by an institutional use (E.C. Glass High School) and to the south and west (across Carrington Road) by apartment uses.

7. **Proposed Use of Property.** The purpose of the rezoning is to allow the demolition of seven (7) existing apartment buildings to facilitate the construction of a pharmacy with associated off street parking areas.
8. **Traffic and Parking.** The City Traffic Engineer has requested that the proposed entrance to the property from Murrell Road be moved further south away from the intersection of Murrell Road and Langhorne Road. The proposed entrance is approximately one hundred (100) feet from the intersection. When traffic is backed up at the intersection of Langhorne Road and Murrell Road, vehicles will not be able to leave the property or there is the possibility for vehicles trying to leave the site to block the thru lane of opposing traffic on Murrell Road. The location of the proposed entrance also creates a sight distance concern with vehicles making a right turn onto Murrell Road from Langhorne Road. With the entrance in the proposed location there is not adequate distance for vehicles to ingress or egress the property without the potential for an accident with another vehicle making a right turn. The location of the entrance as proposed will cause the entire intersection to operate less efficiently causing delays and unsafe traffic conditions.

Section 35.1-25, Off-street parking and loading, of the Zoning Ordinance requires that one (1) parking space be provided for each three hundred (300) square feet of gross floor area plus one (1) space for each three (3) employees on duty at any one time. The project as proposed would require a total of fifty-one (51) parking spaces. The submitted site plan indicates a total of sixty-five (65) parking spaces on the site.

9. **Stormwater Management.** A stormwater management plan will be required for the building and parking additions because disturbed areas will exceed 1,000 square feet. The redevelopment of the property will result in an increase of impervious area. In addition, the existing storm sewer system located in Murrell Road has been evaluated by the petitioner and is currently at or close to its maximum capacity. Stormwater detention will be provided for the two (2) and ten (10) year storm by the use of an underground detention system. Water quality will be addressed through the use of a pre-fabricated structural device prior to the stormwater entering the City's storm sewer system from the detention system.
10. **Impact.** The petition proposes to rezone the property from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional) to allow the construction of a pharmacy and associated parking similar in size and design to the current Walgreens facility located on Wards Road.

The property has been zoned for residential uses since its annexation into the City in 1926. The existing apartment buildings containing four (4) to five (5) units each were constructed in 1949 and were remodeled in 1986. The apartment buildings are listed as being in good condition by the Assessor's office.

The submitted site plan indicates the construction of a typical retail facility with a building setback of over ninety (90) feet from the property line surrounded by the required parking spaces. The typical building setback in the area is twenty-five (25) to thirty (30) feet with parking in the rear or to the sides of the buildings. The required front yard setback for the building is twenty (20) feet. The submitted proffers indicate a ground sign of twenty (20) feet in height, while the majority of the signs in the area are of monument style.

The property contains twenty-two (22) large diameter deciduous and coniferous trees. Of the existing trees on the site only seven (7) are able to be retained. A vegetative evergreen buffer would be required in all instances where the property abuts a residential district. This requirement would necessitate a buffer on the southern, eastern and western property lines.

While the petitioner should be commended for the retention of some of the existing mature trees and design of the canopy over the drive thru window the Planning Division can not support the rezoning of the property. Moving the building closer to Langhorne Road and placing the parking areas to the sides or rear of the building would be more in keeping with traditional neighborhood development principles as recommended for the area by the *Comprehensive Plan*. However, the proposed pharmacy is still not the highest and best use for the property. Approval of the rezoning would be detrimental to and forever change the character of the area.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 18, 2004. Comments of the TRC are attached.
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## VI. PLANNING DIVISION RECOMMENDATION

**Based on the preceding Findings of Fact, the Planning Commission recommends denial of the petition of Laird Lynchburg LLC to rezone approximately 2.2 acres in the 2400 Block of Langhorne Road, from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional).**

This matter is respectfully offered for your consideration.

William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. R. Douglas Dejarnette, Fire Marshal  
Ms. Judith C. Wiegand, Senior Planner  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Arthur L. Tolley, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mr. Kent White, Environmental Planner  
Ms. Robyn Askew, Representative

## VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**  
(see attached map)
- 2. Vicinity Proposed Land Use**  
(see attached map)
- 3. Site Plan**  
(see attached site plans)
- 4. Renderings**  
(see attached renderings)
- 5. TRC Comments**  
(see attached comments)

## MINUTES FROM THE JUNE 9 PLANNING COMMISSION MEETING

Petition of Laird Lynchburg, LLC to rezone approximately 2.2 acres in the 2400 Block of Langhorne Road, from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional) to allow the construction of a pharmacy.

Mr. Martin told the Planning Commission that the construction of the proposed facility would require the demolition of seven existing apartment buildings. He said the Comprehensive Plan recommended a Medium-Density Residential use for the subject property, and the property was also indicated as being part of the Plaza, Mid-Town Mixed Use area. He noted that this area was the City's first commercial area outside of downtown and it was intended for redevelopment that would contain a commercial core surrounded by medium to high-density housing and professional offices with a complementing high school, library, and main bus transfer center. Mr. Martin explained that the redevelopment of the area was to follow the Traditional Neighborhood Development principles, and added that maintaining the variety of housing stock and increasing, not decreasing, the number of residents would be the key of redevelopment of this area. He said the City's Traffic Engineer had noted comments of concern relating to the proposed entrance to the site from Murrell Road, which would result in unsafe traffic conditions. Mr. Martin added that while the petitioner should be commended for the efforts to save several mature trees along the frontage of the property, construction of a typical retail facility would be detrimental and severely change the character of the neighborhood. He said the Planning Division recommends denial of this rezoning petition.

Ms. Robyn Askew, Chief Manager of Laird Development, along with Chris Gentry, Milton Realty, and Philip Royer, architect from the Architectural Services Group (ASG), represented the petition. Ms. Askew told the Commission that Walgreens came to Lynchburg a few years ago and had been very satisfied. She added that they were currently in the process of constructing another store on Waterlick Road in Campbell County. She said they had searched diligently for a corner lot on Langhorne Road, but they were either too small, too steep or had environmental concerns. Ms. Askew added that this opportunity came to her attention approximately a year and a half ago and they had been working to make certain they could address what she thought would be the Planning Commission's concerns. She said the commercial businesses along Langhorne Road were extensive with the hospital, offices, and retail space.

Mr. Chris Gentry, Milton Realty Service Company, Lynchburg, 7806 Timberlake Road spoke concerning this petition. Mr. Gentry said he and Ms. Askew had been working together for approximately six years concerning sites in Lynchburg as well as other areas in the state. He said in the early part of 2000 they started looking at Langhorne Road because Walgreens determined that there was a need for another store in that area. He said since the other sites on Langhorne Road had not worked out, they were led to the current site, which had a traffic signal, and was on a corner. He said on the corridor from the Chamber of Commerce building on Memorial Avenue to Tate Springs Road, there were only three parcels, including the subject property, that were not zoned either B-1 or B-3. He said they thought this site was the best solution even though they knew there were concerns with the existing residential units. Mr. Gentry corrected an earlier statement made by Mr. Martin explaining that only five entire buildings would be demolished and two units from a sixth building. He added that this complex was not 100 percent occupied and said even if those twenty-two units were removed, there would still be eleven vacant units in this complex.

Ms. Askew said the unit noted as number 1 on the site plan would not be demolished, and the unit noted as number 2 would only have two units demolished with the other two units remaining intact. She said they met with the TRC on May 18 and reviewed their comments. She noted that the grade on Murrell Road was lower than on Carrington Road, so in order to balance the site the driveway on Murrell had been moved closer to Langhorne to allow cross access for delivery trucks. Ms. Askew said there were several mature trees on the site, and they were asked to save those trees to balance some of the other issues they had with the site.

Commissioner Worthington asked about the vacant units in the complex. He asked if the renters moved from the 22 units being demolished, would the apartments then be fully occupied.

Ms. Askew said she understood that there was a plan in place to offer displaced renters housing in other apartments owned by Mr. Oglesby's company.

Ms. Askew told the Commission that based on concerns of TRC, as well concerns of Mr. Oglesby, they had tried to value engineer the site and address the issues raised at TRC. She said it had just recently come to her

attention that there was a huge issue with stormwater and she had not requested a change in the Comprehensive Plan. She added that she brought a letter with her requesting that change.

Mr. Philip Royer, AIA, Architectural Services Group, addressed the grade differential from Carrington Road to Murrell Road and the grading plan. He said they were constrained by over a 15-foot difference from the point of where the driveway connected to Carrington to where it connected to Murrell. He added that they realize that the driveway entering Murrell should be as far away from the signal as possible. However, in this case, he continued, if they pushed the driveway further away from Langhorne Road they would create a situation where that much of a topography change would be impossible. He added that they would probably have to remove an existing oak tree on Murrell Road, which they had been asked to retain. Mr. Royer said the driveway was approximately 150 feet from the center line, and added that he thought the City Engineer had gone on record requesting 250' of separation from the centerline of the driveway to the centerline of the intersection on Murrell Road.

Mr. Martin said the driveway was probably about 80 feet from the actual center line.

Mr. Schaefer Oglesby, owner of the property in the 2400 block of Langhorne Road said he would like to explain some loose ends about the apartments and where he was planning on going from this point assuming that this change does take place. He said he and Percy Montague, from Charlottesville, had been co-general partners in these apartments since 1985. He said these apartments were built in 1950, were given a shot in the arm in 1986, not long after they were purchased, but needed another shot in the arm now to modernizing and upgrade them. Mr. Oglesby explained that the limited partnership had about 20 partners who were getting older and were pushing to liquidate the partnership. He said the Walgreen's plan would enable him buy out the existing partners, making it a local ownership. He explained that when Walgreen's came along, it seemed like a viable deal to put him in control of the complex and enable him to upgrade the apartments. Mr. Oglesby noted that a lot of their renters had aged there, and expressed interest in building handicapped accessible units. He said it would be natural to have elderly units with easy accessibility to a Walgreen's. He added that over recent years they have had more and more difficulty renting the apartments that face Langhorne Road due to the heavy traffic and renters not wanting to park on Langhorne Road. Lastly, he said, this opportunity would allow him to construct more units on the excess property. He added that he would like to ultimately have 100 rental units, which was the number of units originally on that site. Mr. Oglesby said this was a win-win situation for everyone.

Mr. Bill Connelly, 2105 Westerly Drive spoke for himself, his business partner, and his mother, all who were in opposition to the petition. Mr. Connelly said the character of the neighborhood would change, as the area was mainly residential with some businesses that appeared to be residential and were landscaped nicely. He said Walgreens would destroy that residential feel. He added that they were concerned with noise pollution from the excessive traffic during rush hour as well as the emergency vehicles and helicopters taking patients to Centra Health. Mr. Connelly said the lighting from the proposed store would also be very bright, and the lights were usually not directed properly. He pointed out that there had been other drug store failures in the area, such as Rexall and Rite Aid. He added that for some reason Walgreens thought they needed to put up stores directly across from CVS and added that the pattern needed to be broken. Mr. Connelly continued by saying that the road connector was supposed to relieve some of the traffic in the area near where several new medical centers exist or were scheduled to be built. He said they had enough drug sales in the neighborhood and asked that the illegal drug sales be cleaned up before they add a store that sold drugs.

Commissioner Flint asked if they could vote to change the Comprehensive Plan at this meeting or would the have change have to be advertised.

Mr. Martin said they could not vote to change the Comprehensive Plan without advertising the proposed change. He added that the Planning Division did not recommend that the Commission go against the Future Land Use Map although it was their right to do so. He said the FLUM was never intended to be parcel specific. However, he noted, it seemed very clear to the Planning Division the intent for the area, and that was for residential uses. He said he thought it would be a bad precedent to set for the Planning Commission to go against their Land Use Map.

Ms. Askew asked when the Comprehensive Plan was adopted and the number of years the plan spanned.

Mr. Martin said the Comprehensive Plan was a 20 year plan adopted in 2002. He explained that the area was cited for medium density residential uses. He said that was why the TRC comments requested a letter from



the petitioner asking to amend the FLUM, which the City never received. He said since that request was never received, the City could not advertise that a change was being requested.

Ms. Askew said the comments were received after the deadline and she did not focus on that comment. She added that in the TRC meeting Mr. Martin did mention the land use change request, but she did not understand that it was a pre-requisite.

Commissioner Worthington asked where the City was coming from on the development of the Plaza, is it the City's thought that if they cut back on residential areas near the Plaza that redevelopment will not be as successful? Please talk him through the conceptual feeling.

Mr. Martin explained that any revitalization or rehabilitation of an area would follow the number of roof tops in that area. He said if the City demolished sound housing stock to allow for retail development, then the City would end up with another commercial corridor, such as Wards Road, Timberlake Road, or Old Forest Road. He added that the Comprehensive Plan called for that area to be revitalized under the Traditional Neighborhood concept, which would provide for a commercial core surrounded by multi-family uses and professional offices. Mr. Martin said that the Commercial Core in this area would be the Plaza, and the multi-family uses would be this property and professional offices like what was across the street from the site. He said a development like Wards Road was not what he thought the City had in mind for the area. He noted again that the City appreciated Walgreen's efforts to save some of the trees, and added that there were a lot of things the petitioner could have done so the site, but chose not to do. Mr. Martin continued by saying that the City was never told formerly that Mr. Oglesby was considering building more units on the property, so they had not had an opportunity to look into that suggestion. He added that all of those things could have weighed into the City's opinion on the project, but since they did not have that information, they recommended denial of the petition.

Commissioner Worthington said except for the little section of Langhorne Road near E.C. Glass High School, the area was pretty much developed with businesses along that road.

Mr. Martin said the majority of businesses across the street from the proposed site had parking to the rear or side of the building. He explained that this proposal would be set back off the street surrounded by asphalt like the typical retail development, and added that this did not following TND principals.

Ms. Askew said she was not trying to mitigate the requirements that the City placed on her. However, she explained, all of the property along Tate Springs Road passed E.C. Glass High School, to the rear of the proposed site, and the rear of Westerly Drive was zoned B-3 and B-1, with E.C. Glass High School being zoned R-3. She said the fact that they were getting rid of on-street parking along Langhorne Road, which was dangerous and unsightly, her plan mitigated a ton of other factors. She said they would have parking in front of the building, but due to the natural berm and the sloping topography, there would not be headlights or other things normally associated with a flat surface, free standing building and cars. She said Mr. Connelley talked about the lighting and she assured him that the lighting would meet the requirements of the City and would be shielded from the neighborhood.

Chair Dahlgren read a note from Commissioner Bacon. She said obviously the petitioner would have to adjust a number of their ideas to fit into the proposed location before the project could be approved. She wrote that the only thing on the petitioner's behalf was the business/ commercial/institutional uses from Memorial Avenue to the Farm Basket on Langhorne Road, with the exception of two blocks, Murrell and Westerly Drive. Commissioner Bacon said that perhaps the petitioner needed to revisit their plans for this corner.

Chair Dahlgren also read a letter from Ms. Karen Berry, a small business owner in town. Ms. Berry had the following comments:

1. The property was zoned residential and a number of families will be displaced. It would be hard to comprehend that they would tear down five buildings and leave the rest of the apartments within a stones throw. This would not be good for the residents or Walgreens.
2. There is a business property in the area already zoned for a drug store and is for sale. She said she would find it difficult to rezone this residential property for business with numerous properties available at this time.
3. A lesson should have been learned from one of your competitors – Rite Aide across from the library.

4. Does the rezoning conform to the City's General Plan?
5. The traffic situation would be congested even more with a drug store on the corner, and neither would be safe or pleasant for the residents or the children at the school.

Ms. Berry indicated that she knew that Walgreen's was an excellent company and would love to have them as a neighbor. She wrote that they could find a better location for their drugstore rather than the Langhorne Road area.

Mr. Gentry told the Commissioners that the small business owner who wrote the comments was a person whose property Ms. Askew had looked at and declined.

Ms. Askew continued by explaining that she had been extremely interested in the business owner's property, but the selling price was approximately three and one half times what the property was worth. She said they had been in contact with that individual twice over the last three and one half years, and when this project became public, Mr. Gentry received a phone call from her asking Walgreens to revisit the offer, which Ms. Askew said tried to do.

Commissioner Hamilton asked if Walgreens was opposed to locating in places that were already commercially developed as opposed to building its own stand-alone building.

Ms. Askew said Walgreen's did not give her the freedom to find a site and present it to them. She said they had a formal real estate committee that reviewed the suggested sites and several had been turned down due to expense, topography, shape of land, and access. She explained that when they looked at sites, Walgreen's wanted 20,000 people in a 2-mile radius, wanted to be at an intersection of two extremely busy roads, one of which they did not have here because of the "T" intersection. Additionally, Ms. Askew said, Walgreen's wanted a signalized intersection and wanted to be close to places people traveled to and from work. She said the company's general requirement was 75,000 square feet for a buildable pad, plus 70 or more parking spaces. She noted that this project would be a way to give the owners of Village Oaks additional capital to get local ownership, upgrade what was there, and get the off-street parking situation taken care of.

Chair Dahlgren asked if there would be a left turn west from Langhorne Road into the site, and if there were two drive through windows.

Ms. Askew said there was a turn from Carrington Road at the signal light. She said it was a double drive-through similar to what a bank would have.

Chair Dahlgren said he found it very difficult to approve this location for the store especially with having to tear down apartments and the traffic concerns. With that said, he added, if Ms. Askew came back to the Commission with a petition to revise the Future Land Use Map, address the additional parking and other issues that the staff asked for he might consider the petition differently. He said currently, however, he was not in favor of the petition.

Commissioner Worthington said most of Langhorne Road was zoned either B-1 or B-3, and even though there was no retail space, the street had been developed. He said he understood the City's concern about needing a certain population to support the Plaza, but added that the owner of the apartments needed capital to fix them up and build additional units. He said if the petitioner could work out some of the issues that the City was concerned about, he would support the plan. In the long run, he added, the construction of a Walgreen's would help the rest of the units and maybe almost provide the same number of units that would address the Planning Department's concerns.

Commissioner Echols asked Ms. Askew if Walgreen's wanted high school students running in and out and loitering on the property.

Ms. Askew said she thought Walgreens was one of the best run companies in the country. She said they kept their stores very clean, very safe and they did not tolerate loitering. However, she added, teenagers were a huge buying power.

Commissioner Echols asked about the traffic density, the intersection, and the proposed addition to the hospital. He said the Plaza really needed help and suggested that Ms. Askew look at that site.

Ms. Askew said the reason Walgreen's chose the locations that they chose was because the traffic was already there. She said there were not many new trips generated by the construction of a Walgreen's. She said they were usually located on a road that was on the customer's way home. She added that Walgreen's hoped to be a positive impact on the area. Ms. Askew said she thought the intersection was designed to handle any additional traffic, and added that the hospital was one of the reasons that this site was attractive. Ms. Askew said the proposed store would provide 25-30 jobs immediately.

Commissioner Hamilton said she believed that the redevelopment of the Plaza should be the City's next priority. However, she said the proposed site needed some kind of essential service, but did not know if Walgreen's was that essential service. She added that development on this site would not stop the development of the Plaza, but could only help it. Commissioner Hamilton said the key to redevelopment was to provide essential services and there had to be some way to do that. She said it was admirable that the apartment complex was going to add some units that will be senior friendly.

Commissioner Pulliam said this was a Catch 22 situation as it had some good merits and some not so good merits. He said his biggest problem was the traffic and added that, in his opinion, the traffic outweighed all of the good. He said selling the property to acquire revenue to renovate the other existing buildings sounded very good, but there was no guarantee that that was what the revenue would be used for.

Commissioner Flint said if they voted at this meeting he would have to vote against the petition because it went against the Comprehensive Plan, which they worked so hard to bring about. He added that he thought the entrances would create some traffic issues. He said unless the Comprehensive Plan changed, he would vote against the proposal, and followed up by saying that he was not sure he would vote to change the Comprehensive Plan.

Chair Dahlgren said he agreed that the FLUM would have to be changed. He said since they had had the public hearing, could they postpone the decision on this petition, and allow Walgreen's time to come back.

Mr. Martin said at this meeting he received a request submitted by Walgreen's asking that the FLUM be changed. He added that it was between the Commissioners and the petitioner to decide if they wanted to vote on the change at this meeting. But again, he requested that Commissioners remember that they would be setting a precedent that would go against the Comprehensive Plan. He said if they postpone the vote today, then the City would advertise the Future Land Use Map amendment, which would probably be on the agenda in July for Planning Commission and in August for City Council. Mr. Martin explained some of the traffic concerns saying that if vehicles were queued up on Murrell and there was a vehicle trying to leave the Walgreen's site, there was potential for them to get hung out in the through lane, which could result in an accident. He added that there was a sight distance problem with vehicles making a right turn into Walgreen's site being rear ended by someone turning off Langhorne Road onto Murrell Road or someone being T-boned exiting the Walgreen's site by someone turning off Langhorne Road onto Murrell Road. He noted that that was why the City Traffic Engineer requested that this entrance be moved to the other end of the property. He concluded that the Traffic Engineer and the Planning Division concur that under no circumstances could the City support this entrance due to the safety issues.

Commissioner Echols said the Comprehensive Plan should be kept the way it is and should not be changed.

Chair Dahlgren told Ms. Askew to keep in mind that even if the FLUM petition came before them, the Commission might reject the petition based solely on that, and once they did that, it would negate the other item. He reiterated Mr. Martin's comments saying that the staff had some serious concerns about traffic. He told Ms. Askew that she should give some serious thought and try to satisfy those concerns before she came back to the Commission. He added that the City's FLUM was a benchmark for the State of Virginia for the work they did on the Comprehensive Plan, and that the Planning Commission and City Council were committed to it.

Ms. Askew said she understood the concerns. She said she would use the next few days or weeks trying to address these issues. She pointed out that in the staff report a statement saying that “The goal for this area as stated in the *Comprehensive Plan* was to redevelop the area into an integrated in-town community with a commercial retail core...” She added that the City did not have that retail core right now, at least on this end of Langhorne. Ms. Askew said she wanted to work with Mr. Martin and others to get what the City was looking for, and requested that the Commission postpone the vote on this request allowing the Comprehensive Plan change to be advertised.

Commissioner Echols said he did not think Ms. Askew should consider revising the Comp Plan. He said that the Commission put months and years into developing the plan and if they now start to change it, it would open a bag of worms.

Chair Dahlgren said if a petitioner came to them and asked the Commission to change the Comprehensive Plan, then the Commission had to address the request, even though they might not agree with the petition.

Ms. Askew asked if they could rezone the property without changing the Comp Plan.

Chair Dahlgren said they could do that. He said the City Council commissioned the Commission to develop the Comp Plan and approved it. He said they legally could do it, but they have not done

Ms. Askew said she was trying to preserve her legal arguments and her rights to appeal to City Council. She said she sensed that there was some disagreement as to what had to be done in order for her to preserve those rights.

Mr. Martin said she was correct. He said if the Commission voted today, they should vote on the basis that her petition did not meet the Comprehensive Plan. He said if there was an appeal in court she would loose because of that fact. Mr. Martin said unless there were substantial changes to the plan, he was not sure that the Planning Division would change their recommendation on the petition.

Ms. Askew requested that the Commission delay their vote on this rezoning, advertise the Comprehensive Plan change, and vote on the petition in the correct order.

After discussion, Commissioner Flint made the following motion, which was seconded by Commissioner Worthington and passed by the following vote:

“That the Planning Commission postpone voting on the rezoning Petition of Laird Lynchburg, LLC to rezone approximately 2.2 acres in the 2400 Block of Langhorne Road, from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional) to allow the construction of a pharmacy.”

AYES:	Dahlgren, Echols, Flint, Hamilton, Pulliam, Worthington	6
NOES:		0
ABSTENTIONS:		0

MINUTES FROM THE JULY 28, PLANNING COMMISSION MEETING.  
These minutes have been reviewed, but not approved, by the Planning Commission.

Petition of Laird Lynchburg, LLC to rezone approximately 2.2 acres in the 2400 Block of Langhorne Road, from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional) to allow the construction of a pharmacy.

Mr. Martin said that since the public hearing had been closed at the June 9<sup>th</sup> Planning Commission meeting, the Commissioners would have to vote to reopen the public hearing. If they chose to reopen the public hearing, he continued, the Commissioners could ask direct questions to the petitioner, but not allow another presentation.

The Commission chose not to reopen the Public Hearing.

Commissioner Pulliam made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

“That the Planning Commission recommends denial of the petition of Laird Lynchburg LLC to rezone approximately 2.2 acres in the 2400 Block of Langhorne Road, from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional).”

AYES:	Bacon, Dahlgren, Echols, Flint, Hamilton, Pulliam, Worthington	7
NOES:		0
ABSTENTIONS:		0